

Gordon Rees Scully Mansukhani, LLP
633 West Fifth Street, 52nd floor
Los Angeles, CA 90071

SHELLEY G. BRYANT (SBN: 222925)

BRYANT WHITTEN, LLP

8050 North Palm Avenue, Suite 210

Fresno, California 93711

Email: shelley@bwlaw.com

Attorney for Plaintiff

ELENA AVILA

LINDA M. MORONEY (SBN: 172668)

lmoroney@grsm.com

NICHOLAS A. DEMING (SBN: 287917)

ndeming@grsm.com

ALEXANDRA M. ROMERO (SBN: 335570)

aromero@grsm.com

GORDON REES SCULLY MANSUKHANI, LLP

275 Battery Street, Suite 2000

San Francisco, CA 94111

Telephone: (415) 875-4242

Facsimile: (415) 986-8054

Attorneys for Defendant

ARBOR LODGING PARTNERS, LLC

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ELENA AVILA,

Plaintiff,

vs.

ARBOR LODGING PARTNERS, LLC, a
Illinois limited liability company, and DOES
1 through 20, inclusive,

Defendants.

CASE NO. 1:22-cv-01099-SKO

**JOINT STIPULATION TO
MODIFY SCHEDULING
ORDER; ORDER**

(Doc. 23)

Judge: Hon. Sheila K. Oberto
Courtroom: 7

Gordon Rees Scully Mansukhani, LLP
633 West Fifth Street, 52nd floor
Los Angeles, CA 90071

1 TO THE COURT:

2 Plaintiff ELENA AVILA (“Plaintiff”) and Defendant ARBOR LODGING
3 PARTNERS, LLC (“Defendant”) (collectively referred to as “Parties”), hereby
4 submit the following Stipulation to Modify the Scheduling Order in this matter. The
5 parties submit that good cause exists for the proposed modifications for the
6 following reasons:

7 WHEREAS, on March 3, 2023, the Court issued a Scheduling Order in this
8 matter; the fact discovery cut-off in this matter was December 1, 2023, the expert
9 discovery cut-off is April 5, 2024, the pretrial conference is December 9, 2024, and
10 trial is set for February 11, 2025;

11 WHEREAS, the Parties have engaged in initial written discovery, including
12 the exchange of Initial Disclosures, but the Parties require additional time to
13 complete fact discovery, including written discovery and depositions, prior to trial;

14 WHEREAS, Plaintiff has requested to take at least 6 depositions of percipient
15 witnesses, and Defendant intends to take the deposition of Plaintiff, which might
16 require more than one day of deposition;

17 WHEREAS, the Parties have engaged in ongoing meet and confer
18 conversations regarding Plaintiff’s proposed depositions, which may require motion
19 practice;

20 WHEREAS, the Parties have also engaged in meet and confer conversations
21 regarding Defendant’s request for leave to file an amended Answer, which will also
22 require anticipated motion practice and may impact fact discovery;

23 WHEREAS, on November 1, 2023, Plaintiff filed a Motion to Modify the
24 Scheduling Order;

25 WHEREAS, on December 6, 2023, the Court granted Plaintiff’s Motion to
26 Modify the Scheduling Order. In its Order, the Court ordered the parties to meet and
27 confer and agree upon a date upon which non-expert discovery will be completed
28 and file a stipulation no later than December 22, 2023;

WHEREAS, given the anticipated discovery and motion practice set forth above, the Parties believe the requested continuance is required in order to complete necessary fact discovery in preparation for trial.

WHEREAS, in light of the above and having met and conferred, the Parties request that the deadline to complete all non-expert discovery, including motions to compel any non-expert discovery, be continued to July 12, 2024.

NOW THEREFORE, the Parties hereby stipulate to, and request that the Scheduling Order entered on March 3, 2023, be modified as follows:

- The deadline to complete all non-expert discovery, including motions to compel any non-expert discovery, is continued from December 1, 2023 to July 12, 2024.

Dated: December 14, 2023

BRYANT WHITTEN LLP

By: /s/ Shelley Bryant
Shelley Bryant
Attorney for Plaintiff
ELENA AVILA

Dated: December 14, 2023

GORDON REES SCULLY
MANSUKHANI, LLP

By: /s/ Nicholas A. Deming
LINDA M. MORONEY
NICHOLAS A. DEMING
ALEXANDRA ROMERO
Attorneys for Defendant
ARBOR LODGING PARTNERS,
LLC

ORDER

Pursuant to the parties' foregoing stipulation, and for good cause shown (*see* Fed. R. Civ. P. 16(b)(4)), the deadline to complete all non-expert discovery, including motions to compel any non-expert discovery, is CONTINUED **July 12, 2024**.

The Scheduling Order (Doc. 14) is further MODIFIED as follows:

- The parties are directed to disclose all expert witnesses, in writing, on or before **September 12, 2024**, and to disclose all rebuttal experts on or before **October 11, 2024**;
- The parties are ordered to complete all expert discovery, including motions to compel any expert discovery, on or before **November 8, 2024**;
- All non-dispositive pretrial motions (except motions to compel, addressed above), shall be filed by **December 4, 2024**, and heard on or before **January 8, 2025**;
- All dispositive pretrial motions shall be filed no later than **January 15, 2025**, and heard no later than **February 19, 2025**;
- The Pretrial Conference is set for **July 28, 2025**, at 1:30 p.m. in Courtroom 1; and
- Trial is set for **September 30, 2025**, at 8:30 a.m. in Courtroom 1.

IT IS SO ORDERED.

Dated: **December 18, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE